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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,422	02/21/2001	Lawrence Wilcock	30003000US	5849

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EXAMINER

LE, BRIAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/788,422	Applicant(s) WILCOCK ET AL.	
	Examiner Brian Q Le	Art Unit 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/12/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/2004 has been entered.

**Response to Amendment and Arguments**

2. Applicant's arguments, see Remarks, filed 11/12/2004, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C 102 (e) and 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kuo U.S. Patent No. 5,606,627.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims with the language comprising the language 'first data' and 'second data' (specifically claims 1-5 and 7-8), the Applicant needs to show the support for the concept of how the 'first data' and the 'second data' in relation with the geographic location of said

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camera/camera/data item processing. The Examiner found the support in the specification of determining the location of the camera. However, there is no support for the 'first data' and the 'second data' in relation with the camera's geographic location/camera/data item processing. Regarding claim 11, there is no support of the claimed limitation "retrieving, based on said data, **from a resource other than said mobile device**, an image concerning said geographic location" (emphasis added). Regarding claim 6, the claim limitation "retrieving comprises retrieving multiple image recordings **displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and associations with said set of image recordings** is not support in the original disclosure (emphasis added).

5. Claims 3 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The concept wherein 'first data' and 'second data' are recorded in a same sequence of data items is not support in the original specification. The Applicant needs to show the support for this.

#### *Claim Objections*

6. Claims 1-12 are objected to because these claims are very difficult to understand due to the use of confusing language. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

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***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7-8, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo U.S. Patent No. 5,606,627.

Regarding claim 1, Kuo teaches a method of augmenting a set of image recordings (FIG. 1A, elements 200 and 220) , comprising:

Recording, in association with taking an image recording of said set using a camera, first data indicative of a geographic location of said camera (column 4, lines 60-67);

Recording separately from taking said image recording (Recording data) (column 5, lines 9-17),

Second data indicative of a geographic location of said camera (column 4, lines 60-67);  
and

Subsequently augmenting said set by using said second data to retrieve , from a resource separate from said camera, an image recording concerning said geographic location indicated by said second data (the process of retrieving camera parameters such as location of camera to the computer memory) (column 4, lines 60-67).

For claim 2, Kuo teaches a camera wherein said first data is recorded in a recording arrangement that is separate from said camera (data saved from the camera) (FIG. 1B).

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Regarding claim 3, Kuo further teaches a method wherein said first data and said second data are recorded in a same sequence of data items (both data from the left camera and the right camera were saved the same way) (FIG. 1B).

Referring to claim 4, Kuo also teaches a method wherein said first data is recorded in said camera (image captured by the camera) (FIG. 1B, element 20).

For claim 5, Kuo shows a method wherein said first data and said second data recording in a same sequence of data items (both data from the left camera and the right camera were saved the same way).

Regarding claim 7, Kuo teaches a method wherein said retrieving comprises displaying a map of an area (photographic with space coordinate) around said geographic location indicated by said second data and obtaining an input detailing a target subject, zone or point and using said input to facilitate said retrieving (column 10, lines 39-67).

For claim 8, Kuo further teaches a method wherein subsequent to said taking of said set of image recordings, a map display shows locations where image recordings of said set were taken, wherein prior to said retrieving, an item is represented on said map display, and wherein said item corresponds to said geographic location indicated by said second data (column 10, lines 39-67).

For claim 11, Kuo teaches a method comprising:

Recording data indicative of a geographic location of a mobile device (camera) (column 4, lines 57-67); and

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Retrieving, based on said data, from a resource other than said mobile device (data storage/computer memory), an image concerning said geographic location (column 7, lines 10-18).

For claim 12, Kuo teaches the method wherein said mobile device comprises a camera (column 4, lines 57-67).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo U.S. Patent No. 5,606,627 as applied to claim 1 above, and further in view of Kuba U.S. Patent No. 5,806,072.

Regarding claim 6, Kuo does not explicitly teach a method wherein said retrieving comprises retrieving multiple image recordings displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and association with said set of image recordings. Kuba teaches a method of augmenting a set of image (image management) recordings (abstract) method wherein said retrieving comprises retrieving multiple image recordings displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and association with said set of image recordings (column 28, lines 53-67). Modifying Kuo's method of augmenting a set of image recordings according to Kuba would allow the user to have the capability to

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manage image file/data more efficient. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Kuba.

11. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo U.S. Patent No. 5,606,627 as applied to claim 8 above, and further in view of Bacus U.S. Patent No. 6,272,235.

Regarding claim 9, Kuo does not explicitly teach the concept wherein when said map display is present, retrieval of an image recording corresponding to said item is initiated by clicking on a displayed graphic element associated with a displayed location corresponding to said item. Bacus teaches a concept of managing images wherein the image item (map) can be initiated by click of the mouse clicking on a displayed graphic element (column 9, lines 15-30). Modifying Kuo's method of managing electronic imaging according to Bacus would be able to allow user to use the mouse or other point devices to execute images (view or enlarge) quickly. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Bacus.

For claim 10, Kuo also does not teach the concept of using the Internet service system to provide image recordings to registered users on the basis of location data supplied in a service request. Bacus further teaches this limitation (FIG. 1, FIG. 17, and FIG. 18). Modifying Kuo's method of managing electronic imaging according to Bacus would be able to allow user to access the image storage by Internet from various locations around the world. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Bacus.



*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


**Contact Information**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL  
December 9, 2004



SAMIR AHMED  
PRIMARY EXAMINER